



A G E N D A

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, SEPTEMBER 17, 2019, 7:00 PM
HIGHLAND VILLAGE MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

OPEN SESSION

(City Council Chambers – 7:00 PM)

- 1. Call to Order/ Roll Call.**
- 2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on August 20, 2019.**
- 3. Visitor's Comments**
(Anyone wishing to address the Planning and Zoning Commission must complete a Speakers' Request Form and return it to City Staff. In accordance with the Texas Open Meetings Act, the Commission is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting.)
- 4. Conduct Public Hearing and Review and Consider proposed amendments to the City of Highland Village Comprehensive Zoning Ordinance specific to Section 29.6, Use Charts, Automobile, Transportation, Utility, Communication, and Related Uses to allow for Auto Storage or Auto Auction in the Light Industrial and Commercial Zoning District subject to approval of a Conditional Use Permit. In addition, consider a text amendment to Section 39, Definitions, amending the definition of Auto Storage or Auto Auction.**
- 5. Receive Status Report on Various Projects.**
 - **Future P&Z Meetings**
- 6. Adjournment.**

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed.

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, CHAPTER 551, ON SEPTEMBER 13, 2019 NOT LATER THAN 5:00 P.M.

Autumn Aman
Community Development Coordinator

Anyone wishing to address the Planning and Zoning Commission on any item posted on this agenda for possible action, including matters posted as a Public Hearing, must complete a Speakers' Request Form available at the entrance to the City Council Chambers and present it to the City Staff prior to the meeting being called to order. Speakers may be limited to three (3) minutes and given only one opportunity to speak on an item. Other procedures regarding speaking on matters posted for action on this agenda are set forth on the Speakers' Request Form. Subject to applicable law, the ng Commission reserves the right to modify or waive at any time the procedures relating to members of the public speaking on matters placed on this agenda.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the _____ day of _____, 2019 at
_____ am / pm by _____.

DRAFT MINUTES
REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD
TUESDAY, AUGUST 20, 2019

1. Call to Order/Roll Call.

Chairman Deedee Ricketts called the meeting to order at 7:00 p.m.

Roll Call

Present	Deedee Ricketts	Chairman
	Stan Lemko	Vice Chairman
	Rick Turner	Commissioner
	Dylan Romo	Commissioner
	Angelina Robinson	Commissioner
	Denver Kemery	Alternate Commissioner
	Dee Leggett	Alternate Commissioner
Staff Members	Michael Leavitt	City Manager
	Scott Kriston	Director of Public Works
	Autumn Aman	Community Development Coordinator
	Kimberlee Huntley	Community Services Assistant

2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on June 18, 2019.

Vice Chairman Stan Lemko made a motion to approve the minutes as written. Commissioner Rick Turner seconded the motion.

Motion Passed (5-0)

3. Visitor Comments.

There were no Visitor Comments

4. Conduct Public Hearing and Review and Consider an application on a proposed change in zoning from SF-15 Residential Zoning District to a Residential Planned Development District on an approximate 2.713 ± acre tract of land located in the E. Clary Survey, Abstract No. 248, commonly known as 1400 Highland Village Road.

Chairman Ricketts stated that any action on the said agenda item was postponed at the last Planning and Zoning meeting held on June 18, 2019. The Public Hearing from that meeting remained opened until the item would be presented at a next scheduled Planning and Zoning meeting. Due to no regular Planning and Zoning meeting being held in July, 2019, she stated she would close the Public Hearing and then it would be reopened and closed during the current meeting.

Chairman Ricketts closed the Public Hearing that remained open from the meeting held on June 18, 2019 at 7:04 pm.

Community Development Coordinator Autumn Aman stated the City had received an application

from Mr. Bill Davidson, Foremost Investments, property owner, requesting to change the current zoning on his property from SF-15 to a Residential Planned Development consisting of eleven (11) lots. She continued the application was presented to the Planning and Zoning Commission on June 18, 2019 and any action on the application was postponed by the Commission until the applicant could address some of the concerns expressed by Commissioners and residents speaking at the Public Hearing.

Those concerns and resolutions by the applicant were the following:

- The request would remain for (11) lots.
- The Front Yard Setback would be fifteen feet (15') and not ten feet (10') as originally proposed.
- A sidewalk would be constructed within the development.
- Lot (6) would be restricted to allow construction of only a single story residential structure.
- Required trees in the front yard are to be protected by a root barrier.
- Fencing around the detention pond would be six feet (6') tall.
- Fencing along the eastern property line would be six feet (6') tall.
- Fencing on each individual lot would be six feet (6') tall so that the development remains uniform and would be installed by the home builder.

Ms. Aman continued since a meeting was not held in July, 2019, she had to reissue the public hearing notices to everyone within two hundred feet (200') of the said property and from those notices, she had not received any emails or calls inquiring about the property.

Mr. Bill Davidson, property owner, gave a brief overview of his background and history with Highland Village. He continued with an overview of his proposed development stating it would consist of eleven (11) lots and thought this was the best use for the property. He stated it would be for the empty nesters that would like to stay in the community. Mr. Davidson talked about density and compared the density on his proposed development to that of the Ladera Development, comparing property size, stating his proposal was less dense than that of the Ladera Development. He continued that Bud Barley would be the builder, and finishes his presentation discussing the fencing, entry signs on each side of street, and the exterior elevations of the homes would be eighty (80%) percent masonry.

Mr. Davidson introduced Steve Homeyer, Homeyer Engineering so that he could give an overview of the proposed drainage for the area.

Steve Homeyer, Homeyer Engineering, 206 Elm Street, #105, Lewisville, TX, discussed the drainage on the property stating they would be installing a detention pond. He stated the water would be fully contained within a storm pipe that would run to the south, across the property owned by Oncor Electric Delivery and end at Willow Creek Estates Drive.

Chairman Ricketts opened the Public Hearing at 7:20 pm.

Mr. Scott Geer, 433 Cannon Lane, Highland Village, addressed the Commission stating his main concern was the drainage, what would happen if there was a 100 year event, and if the

large Pecan tree on the property could be preserved.

Mr. Lynn Seaton, 437 Cannon Lane, Highland Village, addressed the Commission stating his concern was the drainage, drainage ditch next to Victoria Trail, fencing, easement, and mosquitos.

Chairman Ricketts closed the Public Hearing at 7:29 pm.

Chairman Ricketts asked the Director of Public Works, Scott Kriston, to address the drainage for the development.

Mr. Kriston stated all water from the project was proposed to go underground. He continued there was a drainage easement and the City had installed a drainage swell within a portion of the easement, and existing surface flow would enter into the easement and then go to Willow Creek Estates Drive. He continued there was an easement on the southern property, and there would be an easement on the property owned by Oncor Electric, those easement documents would be executed if the zoning request for the property is approved.

Commissioner Angelina Robinson questioned the width of the sidewalk that would be installed on each side of the street within the development and comments about limiting Lot 6 to a single story home.

Vice Chairman Lemko, Director of Public Works Kriston, and Mr. Homeyer, have further discussion on the drainage.

Vice Chairman Lemko stated his main concerns were the drainage and traffic flow. He questioned what the City was going to do if additional homes are built on the north and south side of the property.

Director of Public Works Kriston responded that the City does mitigate traffic by an approved traffic manual. There are site distances in place now, and the City would review when the plans for the site are submitted.

Vice Chairman Lemko questioned if there were any future plans for the widening of Highland Village Road.

Mr. Kriston responded that the City is currently working with an engineer consultant, looking at the Highland Village Road right-of-way. They are looking at width and cross sections, the street probably would not widen that much and if it did, possibly a three feet (3') widening.

Vice Chairman Lemko questioned the location of the Pecan tree and if the tree was going to be removed.

Mr. Davidson responded that the tree had not been cared for, it was in decline. He stated there would be an approximate six inch (6") elevation change and it would probably hang over the house. They have looked at it carefully and thought it was not feasible.

Alternate Commissioner Dee Leggett asked Mr. Homeyer, for everyone's understanding, to define detention and retention pond.

Mr. Steve Homeyer responded that detention is a dry pond and retention holds water.

Chairman Ricketts questions Ms. Aman on the tree ordinance.

Ms. Aman stated that they would have to place the required trees in the front yard as stated per ordinance, they would be required to plant two (2) four inch (4") caliper trees.

Alternate Denver Kemery had concerns about the drainage and traffic also. He questioned if the lots to the north and south were to be developed, could the street run through to the south, could it be tied into the proposed development?

Mr. Davidson responded no. He continued the property to the south was not wide enough, they had looked at purchasing the property, rework the street, and it was not feasible. He stated they also approached the owners of the property to the north and those property owners were not interested in doing anything.

Commissioner Turner questioned if a hydrologist was hired to look at the project since there are rivers underneath Highland Village road. He continued, from personal experience, water comes underneath the road heading towards the lake, there could be a suggestion to create a contingency fund for the area that might address any future issues that might come up in their plan for the drainage. Commissioner Turner continues questioning ingress/egress, and parking on the street within the development.

Mr. Homeyer stated they have not consulted with a hydrologist and they would take that recommendation under consideration.

Mr. Davidson addressed the ingress and egress and the parking on the street. He makes comparisons to the Ladera Development where they are only allowed to park on one side of the street with the sidewalk on the opposite side

Chairman Ricketts also questions emergency vehicles, when going the street, do they take in account of vehicles parking on both sides of the street.

Mr. Kriston responded that it is taken into consideration, it is looked at by the standards.

Chairman Ricketts questioned lighting by the cluster mailboxes, light poles within the development and trees as noted on the landscape plan.

Mr. Davidson and Mr. Jack Oppel, Bud Bartley Homes, addressed lighting by the mailboxes stating it was not feasible due to attraction of bugs and spider webs. Light poles in the development would be required within the development, spacing to be determined by city ordinance.

Community Development Coordinator Aman addressed the trees on the landscape plan stating the City had given the applicant a list of recommended trees that CoServ Electric uses that do not have a large canopy to see if any of the trees may be some that might be better suited for the development. The applicant had chosen some of those trees from the CoServ listing along with some that are on the City of Highland Village recommended tree list. She stated approval of any other trees then what is on the City of Highland Village recommended tree list is an approval the Commission would have to determine.

Commissioner Romo made a motion recommending sending the ordinance forward to City Council with the following:

- On the Landscape Exhibit L-3 – change the four (4) trees that are to be planted along Highland Village Road to four inch (4") caliper.

Changes within the Ordinance:

- Review the language in Section 2.E Screening – add “minimum” to all verbiage for fencing, all shall be minimum of 6’ tall.
- Section 2.I. Homeowners’/Property Owners’ Association – last word of this sentence, remove the word “first”.

Vice Chairman Lemko seconded the motion.

Motion passed (4-1)

Chairman Ricketts, Commissioners Turner, Romo, and Robinson voted in favor of the request. Vice Chairman Lemko voted against the request.

5. Conduct Public Hearing and Review and consider an application on a proposed amendment to the Development Plan for the Residential Planned Development District PD-8, SF-8, relating to a 23.471 + acre tract located in the J. Edmonson Survey, Abstract No. 398, generally located at the Northeast corner of Harlington Drive and Chinn Chapel Road.

Community Development Coordinator Aman stated the City had received an application from ECM Development, on behalf of David Weekly Homes, to amend the Development/Concept plan for the property located at 2601 Harlington Drive. She continued the property is currently owned by the Lewisville Independent School District (LISD) and is currently under contract to be sold to David Weekly Homes. David Weekly Homes would like to construct approximately seventy-two (72) single-family residential dwelling units on the property. The property is currently zoned PD-8, SF-8, and it would remain a PD-8, SF-8. She clarified that the application was not a request to change the zoning, they would remain with the existing zoning on the property, which is the same as Chapel Hill, Phase I and II. This was an amendment only to the PD Development or Concept Plan in order to establish the future proposed subdivision, showing the applicants proposed lot layout.

Ms. Aman continued with some brief history on the property stating in 1998, the property was originally part of the Chapel Hill Estates Subdivision. In 1999, the property was removed from Chapel Hill Estates due to it being sold to LISD for possible future Elementary and Middle School, however, the zoning on the property did not change. The City of Highland Village has a lease agreement with LISD to use the property as practice soccer fields and LISD had notified the City of termination of the lease agreement effective February 23, 2020. In 2019, the LISD decided to sell this property along with ten (10) other tracts within the LISD. David Weekly Homes had contracted with LISD to purchase the property to construct approximately (72) single-family residential dwelling units, staying within the existing zoning on the property.

Ms. Aman stated if the Commission does recommend for approval and if City Council does approve the application, they would see the property again when it comes forward for approval on the preliminary plat, and final plat.

Public Hearings are required for a request to amend the Planned Development. Public hearing notification requirements have been satisfied and from those notices sent, only (1) email had been received from Mr. Burmeister who is present for the public hearing.

Chairman Ricketts opened the Public Hearing at 8:41 pm.

Jeff Abbe, 2700 Chapel Springs Drive, had concerns of drainage, more traffic, consideration of a stop sign, traffic light, an additional street onto Chinn Chapel, cars turning left onto Village Parkway (FM 2499), and the price of the homes.

Mr. Jim Burmeister, 3029 Darlington Drive, had concerns of traffic, recommend not approving until the Texas Department of Transportation (TxDOT) installs a stop light, saving the large trees, natural watershed and saving the wild life within that area, would like to see a trail connection within the area, if the lift station would be capable of handling seventy-two (72) more homes and the smell from the lift station, and drainage and possibly hiring a hydrologist for the area.

Chairman Ricketts closed the Public Hearing at 8:53 pm.

The Commissioners and Director of Public Works Kriston discussed the application as it pertained to traffic, drainage, trees, and the lift station.

Mr. Kriston addressed the traffic, starting with traffic at FM 2499 and Harlington Dr. He stated it was a TxDOT right-of-way, owned by the state, it is designed to handle four thousand (40,000) cars a day. He stated the current traffic counts are twenty-five thousand (25000) with the study being less than six (6) months old. He continued it was not near design criteria based on the count. There have been no notable accidents within the area. A traffic study would have to happen to verify if it warranted a traffic signal. Mr. Kriston stated there is certain criteria for data gathering and thought it could be looked at but felt it did not warrant a study at this time.

Vice Chairman Lemko comments about taking a left hand turn onto Village Parkway and the visibility.

Commissioner Romo stated he agreed with Vice Chairman Lemko's comment, stating there are many issues with FM 2499, and did not think it was something the Commission could resolve at the meeting. He stated possibly there was a need to focus on having a study performed.

Mr. Kriston addressed the drainage stating that Harlington Drive is a designed boulevard and he was not aware of any flooding issues on Harlington Drive but stated he would look into.

Chairman Ricketts reminds everyone that drainage would be looked at during the platting process.

Mr. Kriston addressed the lift station, stating it was designed and sized appropriately for the whole area. He continued addressing the trees that have died around the pond area and how they would have to be in compliance and this was something that he would look into. He stated he would also look at a possible stop sign and Harlington Drive and Chapel Springs Dr. to see if the area warrants a sign.

Alternate Commissioner Leggett questioned if Harlington Drive was designed based on the LISD property or the development.

Mr. Kriston responded he believed a traffic count was looked at when they were working on the cut through from Chinn Chapel to FM2499. He stated Harlington Drive was a four lane, divided street and it could handle a lot of traffic.

Alternate Commissioner Leggett questioned if there was ever a concept plan established for the area.

Ms. Aman responded that there was not.

Alternate Commissioner Leggett questioned if it was possible to have a new entrance off of Chinn Chapel, have Deerhurst Drive run all the way through.

City Manager, Michael Leavitt stated that could not be achieved. There was an agreement between the City of Highland Village and Copper Canyon that prohibits any connections.

Mr. TJ Moore, ECM Development, Dallas, Texas stated they did do an environment study, they would not impact the wetlands, they did address traffic, drainage to the south and west, the development would be completed in one phase, they would not be impacting the wetland, and they would be doing a full hydraulic study of the creek.

Vice Chairman Lemko made a motion recommending sending the request to amend the development/concept plan for the property located at 2601 Harlington Drive forward to City Council for approval as presented.

Commissioner Romo seconded the motion.

Motion passed (5-0)

6. Conduct Public Hearing and Review and consider proposed amendments to the City of Highland Village Comprehensive Zoning Ordinance specific to Section 29.6, Use Charts, Automobile, Transportation, Utility, Communications, and Related Uses to allow for Auto Storage or Auto Auction in the Light Industrial and Commercial Zoning District subject to approval of a Conditional Use Permit. In addition, consider a text amendment to Section 39, Definitions, amending the definition of Auto Storage or Auto Auction.

Director of Public Works Kriston stated in the course of reviewing certain code enforcement matters relating to people conducting certain businesses in residential areas of the City that do not constitute home occupations, it was determined by City staff, including the City Attorney and City Prosecutor, that the provisions of the Comprehensive Zoning Ordinance relating to the parking and storage of motor vehicles in residential areas that are being held for future resale were not as clear as they could be in their application. It was determined there was a need to revise the City's CZO definitions and use charts relating to auto storage and auto auction to better clarify the definition of the use and where such use is permitted, permitted following approval of a conditional use permit, and prohibited, and provide a better basis for prosecuting violations. He stated not revising the Comprehensive Zoning Ordinance (CZO) definitions and use charts would continue to make it difficult to prosecute alleged violations of property owners conducting this use in areas of the City where such use is prohibited. Mr. Kriston continued that City staff had met with the City Prosecutor and the City Attorney to discuss wording of the use charts that they would be supported in the Municipal Court. The City Attorney had drafted the Ordinance revision for the Commissioners review.

Mr. Kriston and the Commissioners discussed the request as it pertained to understanding reading the use chart, strengthening the definition, inoperable vehicles, penalties, having a paper tag vehicle associated with a used car auto lot/dealer tag, and zoning locations to where the use would be allowed.

Vice Chairman Lemko made a motion to recommend sending forward the amendments to the Comprehensive Zoning Ordinance to City Council as presented for approval.

Commissioner Turner seconded the motion.

Motion passed (5-0)

7. Receive Status Reports on Various Projects

- **Discuss Future P&Z Meeting dates**

Community Development Coordinator Aman stated that the next regular meeting date would be September 17, 2019.

8. Adjournment.

Meeting adjourned at 9:25 p.m.

Autumn Aman
Community Development Coordinator

Deedee Ricketts – Chairman
Planning and Zoning

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING COMMISSION

AGENDA# 4

MEETING DATE: September 17, 2019

SUBJECT: Conduct Public Hearing and Consider proposed amendments to the City of Highland Village Comprehensive Zoning Ordinance amending Section 29.6 “Use Charts, Automobile, Transportation, Utility, Communication, and Related Uses” to add the use “Vehicle Storage or Vehicle Auction” and amending Section 39 “Definitions” deleting the definition of “Auto Storage or Auto Auction” and adding a definition for “Vehicle Storage or Vehicle Auction”.

PREPARED BY: Scott Kriston, Director of Public Works

BACKGROUND

In the course of reviewing certain code enforcement matters relating to people conducting certain businesses in residential areas of the City that do not constitute home occupations, it was determined by City staff, including the City Attorney and City Prosecutor, that the provisions of the Comprehensive Zoning Ordinance relating to the parking and storage or motor vehicles in residential areas that are being held for future resale were not as clear as they could be in their application.

This item was presented and discussed by the Planning and Zoning Commission on August 20, 2019, with the recommendation made to send the Ordinance forward to City Council as presented. Due to a procedural matter during the meeting, this item has been placed back on a Planning and Zoning Commission agenda for purpose of conducting the Public Hearing and making a recommendation to City Council on whether or not to send the Ordinance forward as presented.

IDENTIFIED NEED/S:

Revise the City’s CZO definitions and use charts relating to auto storage and auto auction better clarify the definition of the use and where such use is permitted, permitted following approval of a conditional use permit, and prohibited, and provide a better basis for prosecuting violations.

OPTIONS & RESULTS:

Not revising the CZO definitions and use charts will continue to make it difficult to prosecute alleged violations of property owners conducting this use in areas of the City where such use is prohibited.

PROGRESS TO DATE: (if appropriate)

Staff met with the City Prosecutor and the City Attorney to discuss wording of the use charts that they will support in the Municipal Court. The City Attorney has drafted the Ordinance

revision for review.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

None

RECOMMENDATION:

Conduct public hearing, consider the proposed amendments, and make a recommendation to the City Council regarding approval of the proposed amendments.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF HIGHLAND VILLAGE AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE IV “USE REGULATIONS” SECTION 29.6 “AUTOMOBILE, TRANSPORTATION, UTILITY, COMMUNICATION, AND RELATED USES” BY ADDING THE USE “VEHICLE STORAGE OR VEHICLE AUCTION” AND ESTABLISHING THE ZONING DISTRICTS IN WHICH SUCH USE IS PERMITTED OR PERMITTED FOLLOWING ADOPTION OF A CONDITIONAL USE PERMIT; BY AMENDING ARTICLE VI “DEFINITIONS” SECTION 39 “DEFINITIONS” BY DELETING THE DEFINITION; FOR “AUTO STORAGE OR AUTO AUCTION” AND ADDING A DEFINITION FOR THE PHRASES “VEHICLE STORAGE OR VEHICLE AUCTION”; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the general regulations of the Comprehensive Zoning Ordinance, as previously amended, should be further amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. Article IV “Use Regulations,” Section 29.6 “Automobile, Transportation, Utility, Communication, and Related Uses” of the Comprehensive Zoning Ordinance is amended by adding the use “Vehicle Storage or Vehicle Auction” to the use table as follows:

	SF-40	SF-15	SF-12	SF-10	SF-8	2F	MF	O	NS	R	HC	C	LI	PD
Vehicle Storage or Vehicle Auction											C	C	C	

SECTION 2. Article VI “Definitions,” Section 39 “Definitions” of the Comprehensive Zoning Ordinance is amended by deleting the definition for the phrase “Auto Storage or Auto Auction” and adding a definition for the phrases “Vehicle Storage or Vehicle Auction” to read as follows

Vehicle storage or Vehicle auction: The storage, impoundment, or parking of operable motor vehicles on a lot, tract, or roadway for the purpose of holding such vehicles pending sale or distribution regardless of whether such sale or distribution occurs on the lot, tract, or roadway where the vehicle is stored, impounded or parked or at another location.

SECTION 3. All ordinances of the City of Highland Village related to the use and development of property within the City heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. No person or entity shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Highland Village, Texas, in the manner provided by law.

SECTION 8. This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

FIRST READ ON THE 24TH DAY OF SEPTEMBER 2019, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE ____ DAY OF OCTOBER 2019.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:8/15/19:110077)